

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID NELSON,

Plaintiff,

v.

JANSSEN PHARMACEUTICALS
AND JOHNSON & JOHNSON,

Defendants.

ORDER

Case No. 14-cv-707-wmc

Plaintiff David Nelson, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a proposed civil complaint. Plaintiff requests leave to proceed without prepayment of the filing fee. To the extent plaintiff wishes to proceed without prepaying the filing fee, and because plaintiff is incarcerated, plaintiff must comply with the Prisoner Litigation Reform Act (PLRA). The PLRA requires plaintiff to submit a certified copy of plaintiff's inmate account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). Plaintiff has failed to submit the necessary inmate account statement.

For this case to proceed, plaintiff must submit the certified account statement no later than November 6, 2014. If plaintiff is found to be indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments. If plaintiff does not submit the six-month inmate account statement, I will assume that plaintiff wishes to withdraw this action voluntarily.

ORDER

IT IS ORDERED that plaintiff David Nelson may have until November 6, 2014 to submit a trust fund account statement for the period beginning approximately April 2, 2014 and ending approximately October 2, 2014. If, by November 6, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 17th day of October, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge